

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

PABLO PEREZ-ALEJO,

Defendant.

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8:05CR105

ORDER CONTINUING TRIAL

On May 26, 2005, defendant filed an unopposed Motion to Continue Trial (#15). I note that the discovery materials referenced by defense counsel were provided over seven (7) weeks ago and the May 31, 2004 trial date was set approximately four (4) weeks ago, at which time the parties were specifically ordered that

Any motions for a continuance of this trial date shall be electronically filed on or before **May 23, 2005** and shall (a) set forth the reasons why the moving party believes that the additional time should be allowed and (b) justify the additional time, citing specific references to the appropriate section(s) of the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.* ***Any defense motion for continuance shall be accompanied by a written affidavit signed by the defendant in accordance with NECrimR 12.3.***

Filing No. 13 (emphasis in original). Due to the large criminal case load in this district, It has become necessary for the court to impose these requirements to reduce the significant monetary costs (cancelled interpreters, court reporters, and the like) and inconvenience to the court associated with last-minute motions for continuances. Unfortunately, defense counsel has not complied with either of these simple requirements.

Based on paragraph 4 of the motion only, I find that good cause has been shown for a continuance. For that reason, I find that the motion should be granted.

IT IS ORDERED:

1. The jury trial of this matter is continued from May 31, 2005 to the next available trial setting, i.e., **July 19, 2005**.

2. Defendant shall file a speedy trial waiver in compliance with the local rules of practice before the close of business on **Tuesday, June 1, 2005**.

3. The ends of justice will be served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **May 26, 2005 and July 19, 2005**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that counsel require additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED May 27, 2005.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**